

In the name of NATURES CREATOR the  
ALMIGHTY GOD

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

Mufti Abdul El-Malik Bey Ali )  
AKA Frances L. Smith-Bey )  
Plaintiff(s) )

~~SEARCHED or SERIALIZED and Barred on  
3-20-20 by MTH - 76~~

I.D.O.C. Employees/Aramark  
B. Miller, Wayde Kent,  
K. Pennington,  
K. Prior,  
B. Groves,  
Officer Ritchey,  
M. Conyers,  
D. Alsip,  
C. Conyers,  
Defendant(s) )

CAUSE NO : 3:20cv265

1983 COMPLAINT

1. Alleging Violation of Federal Protections, constitutional protections to the deliberate and cruel and unusual injury to rights, deny/ delay of medical care, health and safety, seeking injunctive relief and money damages.
2. Jurisdiction of this Court is invoked by 28 U.S.C. § 1983 and injured party herein agrees by mark: ~~Mufti Abdul El-Malik Bey Ali a/k/a Frances L. Smith Bey~~
3. Plaintiff has exhausted all administrative remedies.
4. I, hereby swear the following cause of action to be true and correct. I hereby swear before this court there is an injured party and it is not at all any defendant(s).

## CAUSE OF ACTION

Defendants violated the Plaintiffs Inalienable and Federally and Constitutionally protected rights. Plaintiff(s) received injury physically due to Violations of Plaintiff(s) Eighth Amendment Right established in U. S. Constitutional Protection; Plaintiffs property was taken unjustly in a retaliator way against Plaintiff(s) Fifth Amendment Right, Plaintiff was denied redress of grievances against First Amendment Constitutional protections.

The simple fact is deliberately and indifferently Federal Law is being and was broken. OSHA standards is being and was broken. Basic Health and Safety was violated by direct acts of the defendants. This was cause for injure of a human being in a cruel way and a very unusual way.

The fact is an injured party was exposed to a very serious risk of harm on more than one occasion. The fact is an injured party continues to suffer in pain to this very day and has continued to be denied treatment.

The fact is an injured party while exposed to dangerous and corrosive chemical pesticide had no way to decontaminate due to there being no chemical decontamination shower, eye wash sinks to do so in as they were removed and never replaced.

The fact is an injured party on more than one occasion was ignored and/or denied safety equipment upon request to staff and defendants. Due to retaliator acts experienced this Plaintiff submits immediately here by clear cut facts for screening with affidavit of truth to especially expose crimes. Crimes against Federal Protections in FORCE.

## CAUSE OF ACTION

It is the duty of an employer, official to provide an employee with a 'SAFE PLACE TO WORK'. On the most reasonable level they should in fact: guard against dangers with proper equipment for work safety, proper signage to warn of unsafe dangers or risks and in the event of a danger have proper facilities for responding to the exposure of a seriousk danger.

Brandon Miller, Kelsie Pennington, Duane Alsip, Michael Conyers, Nurseses K. Pryor and B. Groves, Custody Officer Ritchey placed me into a most cruel and unusual and unreasonable risk of serious harm both Joint and Severally.

Brandon Miller, Kelsie Pennington are primarily responsible for specific acts against federal safety law.

Duane Alsip is primarily responsible for specific acts against federal safety law.

Each[PERSONALLY] responsible for the safety of wards of the state in their care.

The defendants of this cause of action took measures, actions, responses to cause a human being serious risk of harm even after he was burned badly by a chemical pestacide and delay/denied medical treatment when exposed and after being exposed and this is a deliberate act of indifference they ignored and is/was obvious and serious danger. It is still occurring to day. This is a major unreasonable risk of serious harm.

There is only one horribly injured party in this matter. He PRAYS for: Protection of law and the swift response of to Court.

## SUMMARY OF CAUSE OF ACTION

In 2019 Frances Lee Smith-Bey was assigned to Food Services Operation Department in the Pendleton Correctional Facility kitchen on about 9-12-2019. Warden of Operations; D. Alsip, Custody Supervisor; M. Conyers, Food Services Director; B. Miller, Assistant Food Services; Director K. Pennington, R.N. K. Prior all violated the Eighth Amendment by putting me in a serious risk of harm, health and safety. Prison Officials, Contract employees violate the Eighth Amendment when they act with deliberate indifference to a prison condition that exposes a prisoner to an unreasonable risk of harm. Prison Officials act with deliberate indifference when they ignore an obvious and serious danger. Exposure to corrosive pesticides hazardous to Humans that can cause irreversible damage and skin burns is an unreasonable risk of serious harm. The First and Fifth Amendment protections too have been injured.

It is a violation of Federal Law to use the chemicals : J-512 <sup>TM/INC</sup> Sanitizer against its labling instructions, QUAT PLUS against its labling instructions. It is a violation of Federal Law to not have a chemical decontamination shower and eye wash sink in case of emergency need for decontamination. It is a violation to not be provided with : goggles or face shield and rubber gloves and protective clothing when handling DANGEROUS CHEMICAL PESTICIDES.

From 9-22-2019 through 10-26-2019 I was deliberately and indifferently exposed to DANGER and serious risk of harm, by the defendants.

Feb. 7<sup>th</sup>, 2019 Mr. B. Miller was written a(1) one page letter upon completing the I2W Serve Safe Class Aramark Offers Prisoners. Safety equipment was asked for but was never provided. The letter was not responded to. A courtesy copy was mailed to: Miss Hess of Aramark, Miss Copland and Warden Alsip. No respons was recieived ever.

On 9-27-19 due to the prison dish tank being in a half functional state I was exposed to QUAT PLUS and experienced burning hands and pains in my nail bed and finger tips. I had no rubber gloves and was using a pair of single use plastic serving glove in a Biological Hazard Sanitation situation. I put in for medical attention on 9-30-19 I wrote to :M. Conyers, B. Miller and D. Alsip again on 10-7-2019 a(1) one page letter. I explained in detail all of the risks going on with the dish tank area. None of the defendants can pretend ignorance.

On 9-22-2019 I requested to Mrs. K. Smith who got married and is K. Pennington Safety equipment. She told me and I quote, "You were issued a pair of state boots, Gloves and masks are not necessary..." On 9-28-19 I asked B. Miller again for safety equipment and was met with willful and deliberate indifference.

On 9-28-19 I was told by Kelcie Pennington she directed that the chemicals be used in a 3 bay sink to sanitize BIO Hazards in a food service area. This 3 bay sink has no chemical machine to issue chemicals out properly.

On 9-28-19 I was informed that QUAT PLUS was a CLASS 4 chemical. Class 4 chemicals are weapons, bomb making materials, or very dangerous chemicals that require non stop supervision, lock and key dispensers etc. QUAT PLUS is to NEVER EVER be used the way it was being used on the utensils we prisoners must eat.

Out of Mr. D. Alsip got a copy of my letter as well as the response of K. Pennington and left me and the whole prison population at harm and serious risk.

On 10-9-2019 I was instructed again to use chemicals and ended up in the Emergency Room

With major chemical burns. On this day Aramark Staff was functioning illegally under staffed. The Hard Rock Red trays arrived and were contaminated with Bio Hazards. I was forced to go into the pots and pans area and immediately clean & sanitize trays with two other prisoners who experienced issues with chemicals. I began to work and started feeling pains in my hands, my face and eyes were on fire and feeling like I was actually having my hands cooked I went to Custody Officer Ritchey. I explained to him I was experiencing chemical burns from chemicals. He ignored me he was following Lt. Ernest and Sgt. Lock around in the kitchen refusing me medical attention. In pain I begged him to fill out an incident report and injury report. He refused. Finally after seeing my hands red as a lobster he called the E.R and I was treated for chemical burns.

I had to ask officer McCregor to call Lt. Rovtan to get an injury report. Nurse Groves had me do a medical request and stated she would put me in to see a Doctor.

I was not treated at all from 9-30-19 to 10-9-19. Then K. Pryor Seen me on two occasions and refused me any help at all. I had open wounds and was not told what to do or not to do.

I put in to be seen on 10-15-19 after Filing a Formal Emergency Grievance.

By chance On 10/18/19 I seen Mr. Alsip on the walks and he stated to [I showed him my burns] me, "Go to the infirmary." I asked did you receive my documents? He stated, "Yes Mr. Smith and we can get you some gloves to work with." I was never provided any safety equipment. On 10-20-2019 I was seen on Sunday by the N.P. I explained my private area, left foot and my hands were burned.

the nurse took a look at my hands only. I was given some bandages and Antibotic Ointment. My Left foot and privat area left unexamined. I am experiencing to the day crazy pains in my fingers and hands. My hands are still not healed. Staff are refusing to photograph my injuries to hide the damage done. I have requested through Ms M. Rains as well as had a case manager E-Mail Custody to get my injuries photographed and been refused thus far. I am experiencing issues with stomach pains and pains in my side and believe the DANGEROUS CHEMICAL PESTICIDE may have got into my blood strem from the exposure to the chemicals with no proper safety equipment, the chemical is a danger. My life, health & wellness is at stake here and staff are deliberately covering up and/or not treating me because of what happened in this matter.

I on 10-19-19 Seen K. Pryor. she refused to look at me or document my issues after being referred by Brittney Groves who seen me in the E.R. at about 2:25 AM. K. Prior never asked me or would listen to me explain my issues and dismissed me with a statement threatening me with a conduct report if I put in for medical treatment concerning the issue.

On two occasions K. Prior denied me proper care. K. Prior if she had simply looked at my hand she would have seen what nurse Jennifer Sturn seen and it was: serious medical need that was worthy of treatment, the wounds would effect my daily work activity and life as they were open chemical burns. I was in chronic pain. Nurse Jennifer Seen my hands and immediately made sure I was seen for treatment.

J. Stern on the day of (about) I was in for chronic care to see nurse Stewart which was 10-16-19. I showed her my hands explained what occurred and she told me what should have occurred. Nurse Stern explained that my wounds should have been cleaned treated with Silver cream and I should have had my Blood Pressure and vitals checked and my wounds should have been monitored and dressed with silver cream. The wounds went undressed, got wet and exposed while working in the kitchen dish tank due to delay and denial of treatment by K. Pryor on more than one occasion.

K. Pryor treated me as if I were a nuisance to her. K. Pryor doggedly

Presisted <sup>in</sup> ~~not~~ referring me to a doctor.

K. Pryor did not act in a competent way and deliberately denied me speedy access to other physicians qualified to deal with chemical burn emergencies.

The chemicals J- 512<sup>TM/MC</sup> label states

\* DANGER:

\* CORROSIVE.

\* HARMFUL.

\* Causes irreversible eye damage and skin burns.

\* Do not: get on skin, in eyes or clothing.

\* Wear: goggles, face shield, rubber gloves, protective clothing...

\* In case of EMERGENCY CALL Poison Control 1-800-851-7145 or Doctor for treatment

\* Have product container or product label...  
... when seeking treatment

On 10-10-2019 I later learned that the chemical was used in a illegal machine despinser and not a Diversey brand as required and the chemicals were mixed with soap etc.

K. Prior was the day nurse who refused to do her duty, and caused me pain, injury and scars for life.

Custody officer Ritchey refused to properly document and immediately act upon being told I was suffering chemical burns, On 10-9-19. To this day as I write there still are

- 1) No chemical decontamination showers in the kitchen,
- 2) No eye wash sink(s),
- 3) Prisoners working with the same chemicals unprotected without safety equipment, exposed to bio hazards etc.
- 4) At least (4) other who have experienced chemical reactions, burns etc. after & before my Letters, grievances, etc no steps to correct the serious risks of harm have been take.

This is a criminal act and against Federal Law and a violation of the Eighth Amendment U.S.C. Law.

Defendant B. Miller in his individual and official capacity, deliberately, knowingly and willfully violated the plaintiff's Eighth Amendment right under the U.S. Constitution when he did not act upon the : Feb. 7<sup>th</sup>, 2019, October 7<sup>th</sup>, 2019 Letter to him. October 12<sup>th</sup> 2019 he again did not act. September 28<sup>th</sup>, 2019 he again did not act.

Defendant K. Pennington in her individual and official capacity, deliberately, knowingly and willfully violated the Plaintiff's Eighth Amendment right under the U.S. Constitution when she on September 22<sup>nd</sup>, 2019 refused the plaintiff safety equipment and September 28<sup>th</sup>, 2019 ordered the plaintiff to use chemicals in a 3 bay sink admittedly. October 7<sup>th</sup> & 12<sup>th</sup> of 2019 she also did not act upon serious risks of harm and safety.

Defendant D. Alsip in his individual and official capacity, deliberately, knowingly and willfully violated the Plaintiff's Eighth Amendment right under the U.S. Constitution when he after receiving a cc. of a letter Feb 7th 2019, Sept. 7th 2019 Letter failed to order, provide safety equipment etc failed to fully investigate the matter.

Michael Conyers in his individual and official capacity deliberately, knowingly and willfully violated the Plaintiff's Eighth Amendment right under the U.S. Constitution when he failed to protect the plaintiff from serious risk of harm.

Mr. B. Miller, Mr. M. Conyers, Mr. D. Alsip Mrs. K. Pennington are 100% responsible for: Safe working conditions, operational safety chemical showers, eye wash equipment especially when noticed of risks. All had an opportunity to prevent danger and injury.

On 10-9-2019 Mr. Todd Neal after Custod officer Ritchey refused to fill out an injury report and incident report filled out the Report of injury. I took it to Nurse Brittnay Groves, she alleges it was not her duty to complete the injury report.

#### CAUSES OF ACTION WITH SUPPORTING FACTS

(1) Federal Law has been violated. There are no chemical decontamination showers in the P.C. F. (Pendleton Correctional Facility) Food Services Dept. or chemical eye wash sinks. There was no safety equipment provided and the defendant(s) should have done so. There was still no safety equipment provided after plaintiff was exposed to chemical burns deliberately. There was delay of medical care. The Eighth Amendment has been violated by each defendant. The Plaintiff's 8<sup>th</sup> Amendment Right has been violated.

## (2.) JURY DEMAND

Plaintiff seeks a jury trial in this cause of action.

## (3.) PREVIOUS SUITS

Plaintiff has not sought a previous lawsuit against the defendants in these matters.

## (4.) RELIEF IN THE MATTER

A. (\$1,000,000.00) in compensatory damages and (\$3,000,000.00) in punitive damages from defendant Pennington;

B. (\$1,000,000.00) in compensatory damages and (\$3,000,000.00) in punitive damages from defendant Miller;

C. (\$1,000,000.00) in compensatory damages and (\$500,000.00) in punitive damages from defendant Alsip;

D. (\$1,000,000.00) in compensatory damages and (\$500,000.00) in punitive damages

E. (\$1,000,000.00) in compensatory damages and (\$3,000,000.00) in punitive damages against Musek Pryor and Officer Ritchey

F. A Criminal investigation done on M. Conyers and His wife Christina Conyers the Grievance Specialists in this matter, D. Alsip and officials involved.

G. (\$1,000,000.00) in compensatory damages and (\$500,000.00) in punitive damages against B. Groves.

(2) Emergency injunction order to :

- A) Immediately issue safety equipment.  
To : All dish tank workers  
All pots and pans workers  
glasses, gloves, masks. and protective  
clothing. All OSHA regulations followed
- B) Photograph Plaintiffs injuries  
and send him to a skin doctor
- C) Immediately replace all decontam-  
ination showers, eye wash sinks
- D) Immediately put up DANGEROUS Chemical  
Signs in Pots and Pans and the dish  
tank areas
- E) Immediately put in a Proper chemical  
dispenser in the dish tank as  
well as in pots and pans.
- F) Immediately Stop the Chemical QUAT  
PLUS from being used on prisoner  
cook wear and trays.

A - F Poses a serious risk of harm  
G) J- 512<sup>TM/ME</sup> / Is bein used improperly  
QUAT Plus  
the chemical is comming into contact with  
the food prisoners eat due to utensils, trays  
cook wear not being dried properly befor  
use etc. This Corrosive is a Major Danger.

(6.) EXHIBITS OF 'Deliberate' 'Indifference'  
and Plaintiff Exhausted Remedies

EXHIBIT A. Job Report of Classification

EXHIBIT B. Chemical Label J-512 <sup>TM/MC</sup>

EXHIBIT C. Chemical Label QUAT PLUS

EXHIBIT D. STATE FORM 36935 K. Pennington's Deliberate  
Indifference. Dated 9-22-19

EXHIBIT E. STATE Form 36935 K. Pennington's Deliberate  
Indifference Dated 9-28-19

EXHIBIT F. STATE Form 36935 B. Miller's Deliberate  
Indifference Dated 9-28-19

EXHIBIT G. STATE FORM 36935 D. Alsip's Deliberate Indifference  
Dated 10-11-19

EXHIBIT H. STATE Form 36935 B. Groves Deliberate Indifference  
Dated 10-15-19

EXHIBIT I. STATE FORM 3128 Report of Injury Deliberate  
Indifference Dated 10-9-19

EXHIBIT J. STATE FORM 36935 Officer McGregors Response  
Dated 10-15-19

EXHIBIT K. Return of Grievance by C. Conyers wife  
of M. Conyers

EXHIBIT L. Affidavit of Truth attached to Grievance  
Seeking Medical Care which was delay/denied.

EXHIBIT M. Return of Grievance by C. Conyers wife  
of M. Conyers

EXHIBIT N. Letter To B. Miller Dated 2-7-2019

EXHIBIT O. Letter To M. Conyers, B. Miller, D. Alsip  
Dated 10-7-2019

EXHIBIT P. Letter To B. Miller Dated 10-12-19

EXHIBIT Q. Video Evidence Request to Be saved  
Dated 10-15-19

Exhibit R. Letter Dated 10-20-19 to officials  
Seeking New Job due to health, safety and  
serious risk conserns

EXHIBIT S. New Job due to refusal to provide  
safety equipment etc Dated 10-4-19

EXHIBIT T. K. Pryor's Deliberate Indifference  
Dated 9-30-19

EXHIBIT U. K. Pryor's Second Deliberate Indifference  
Dated 10-9-19

EXHIBIT V. K. Pryor's Deliberate Indifference  
Dated 10-19-19

EXHIBIT W. K. Pryor's Response to Grievance issue  
Dated 10/20/19

EXHIBIT X. Grievance Exhaustion attempt  
Dated 10/20/19

Plaintiff made meaningful attempts in good faith  
to correct / resolve this matter. And now  
seeks Relief throug Courts.

Executed this day of 11-19-2019  
Pendleton, Indiana at P.C.F. under  
duress.

Myth Abdul El Mabkry Ali, a real man  
aka Frances A. Smith Bey